

\$~34

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2367/2018

PRAVEEN CHAWLA

..... Petitioner

Represented by: Ms.Dlivia Bang, Advocate and
Ms.Neiteo Koza, Advocates

versus

GOVERNMENT OF NCT & ORS.

..... Respondents

Represented by: Mr.Avi Singh, ASC for the State with
Ms.Iti Pandey, Advocate for
Ms.Nandita Rao, ASC for the State
Mr.Sanjay Dewan and Ms.Nishima
Arora, Advocate for R-3, R-5, R-6
and R-7

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **10.01.2019**

1. By this petition, the petitioner inter-alia prays as under:-

"I. Issue a writ and order to allow the petitioner to file a 156(3) petition before the Hon'ble Tis Hazari District Court, directing the SHO Samarpur Badli, to launch an investigation and an FIR may be registered in the matter under suitable sections and the guilty must be punished.

II. For an order directing the inquiry and action in the harassment at work place.

III. Issue compensation for the loss of life and unnecessary harassment to the family and the deceased.

IV. Issue directions that all debts and securities of the deceased be released at the earliest to the dependent and aged father.

V. Pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case."

2. The facts as stated by the petitioner in the petition are that his sister was 60% orthopedically impaired and was appointed as a Junior Judicial Assistant in Tis Hazari Courts on 7th September, 2012 from whereafter she was transferred to the Administrative Branch of Rohini Courts in December, 2013. In the year 2015, respondent Nos.6 and 7, two other employees working in the Rohini District Courts as Branch Incharge and Junior Judicial Assistant started teasing and troubling the deceased causing her grave mental stress resulting in deterioration of her health. On 16th August, 2015, the deceased got impatient and agitated with the taunting, teasing and bullying nature of respondent Nos.6 and 7 whereafter she appeared before the then District Judge who appointed a Committee and respondent Nos. 6 and 7 were reprimanded by the members of the Committee after an inquiry. On 24th August, 2015, the deceased received a transfer letter to the District Judge Court as a Junior Judicial Assistant, Rohini District Courts when respondent No.7 quarrelled with her as a result of which the blood pressure of the deceased shot up. On 3rd September, 2015 fearing harassment, the deceased chose not to go to the office and stayed at home. In the evening, she received a phone call when somebody informed her that respondent Nos.6 and 7 would take spite with her when she joins the work. Due to this information, the blood pressure of the deceased rose very high resulting in vomiting and she was admitted to the hospital. On 11th September, 2015,

the petitioner's sister succumbed to her ailment and died. Petitioner gave complaints however no action was taken on the said complaints resulting in the petitioner filing a writ petition before this Court being W.P.(Crl.) No.3231/2016 which was permitted to be withdrawn with leave to prefer a private complaint if any vide order dated 10th November, 2016.

3. The petitioner instead of filing a complaint before the learned Trial Court has again preferred the present petition seeking directions to take action under Section 156(3) Cr.P.C. and a fair investigation thereon. It is thus apparent that for the same cause of action, the petitioner has preferred the second writ petition and no complaint under Section 200 or an application under Section 156(3) Cr.P.C. has been preferred by the petitioner despite opportunity being granted by this Court vide order dated 10th November, 2016.

4. As regards the harassment at work place is concerned, an inquiry has already been conducted report whereof was submitted to the District and Session Judge, North West Rohini. As per the said inquiry, the petitioner's sister on her request was transferred to the Court of learned District and Sessions Judge where she had worked for few days. Further in the night of 3rd September, 2015 at about 9:30 PM at her residence, the petitioner's sister fell down resulting in brain haemorrhage and was taken to Jaipur Golden Hospital where her condition became further serious and unfortunately she expired in the evening of 11th September, 2015. From the inquiry report conducted, it is evident that no cognizable offence was prima facie made out and no case for taking action against respondent Nos.6 and 7 was made out.

5. The petitioner has already been granted liberty by this Court to file a complaint case if he so desires. Hence the present petition is dismissed

being devoid of any merit.

6. Record of District and Sessions Judge (North-West). Rohini Courts Delhi be returned.

MUKTA GUPTA, J.

JANUARY 10, 2019

mamta